

Exhibit 2

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

RICHARD LOWERY

PLAINTIFF,

V.

Case No. 1:23-CV-00129-LY

LILLIAN MILLS, in her official capacity as Dean of the McCombs School of Business at the University of Texas at Austin; ETHAN BURRIS, in his official capacity as Senior Associate Dean for Academic Affairs of the McCombs School of Business at the University of Texas-Austin; and SHERIDAN TITMAN, in his official capacity as Finance Department Chair for the McCombs School of Business at the University of Texas-Austin,

DEFENDANTS.

DECLARATION OF ETHAN BURRIS

1. I, Ethan Burris, am over eighteen (18) years of age. I am fully capable of making this declaration. All the facts stated herein are true and correct and within my personal knowledge.

2. I am currently the Senior Associate Dean for Academic Affairs at the McCombs School of Business. I have also been the King Ranch Chair of the Management department since 2020, and the director for the Center for Leadership and Ethics since 2015.

3. I have reviewed Professor Richard Lowery's Complaint and Motion for Preliminary Injunction. Dr. Lowery's recounting of the facts involving his employment at the University create a misleading impression of what I and others at the University have done.

4. I have never “threatened” Dr. Lowery, directly or indirectly, for his speech, nor have I made any statement that could be reasonably construed as a threat. I have never attempted to terminate, demote, or discipline Dr. Lowery for his speech, nor am I aware that anyone at the University has done so.

5. Specifically, I have never threatened to reduce Dr. Lowery’s pay, involuntarily end his affiliation with the Salem Center, reduce his access to research opportunities, request that his speech be placed under police surveillance, or otherwise discipline him for his speech as his Complaint alleges.

6. Dr. Carlos Carvalho is Lowery’s supervisor at the Salem Center where Dr. Lowery has served as associate director since he was appointed on September 20, 2021. I have never “pressured” Dr. Carvalho to take any adverse action against Dr. Lowery, nor have I made any “threats” to Dr. Carvalho intending them to be transmitted to Dr. Lowery through Dr. Carvalho.

7. On August 12, 2022, Dean Lillian Mills and I met with Dr. Carvalho, who is Dr. Lowery’s supervisor at the Salem Center, regarding multiple subjects, beginning with discussions concerning the Salem Center’s performance, not all of which was positive. Dr. Lowery was neither the impetus for, nor the focus of, the meeting. I did state, however, that Dr. Lowery was making false statements about the University and disparaging some of its employees, including President Jay Hartzell, and that this might hurt the Salem Center’s ability to raise donations to support its work. I do not remember saying that Lowery had “crossed the line.”

8. Neither I nor Dean Mills advised Dr. Carvalho to “work with” Dr. Lowery regarding his speech. Neither of us stated that Dr. Lowery’s association with Dr. Carvalho and the Salem Center was “problematic,” or that something “should be done about” Dr. Lowery.

9. I do not recall Dr. Carvalho saying or doing anything during that meeting that could be reasonably seen as “resisting calls to discipline” Dr. Lowery. Neither Dean Mills nor I requested or directed Dr. Carvalho to discipline Dr. Lowery. I do not recall Dean Mills saying that she “did not

care that Carvalho was the one who primarily raised money for the center,” and I do not believe that she said that.

10. Following my meeting with Dr. Carvalho and Dean Mills on August 12, Dr. Carvalho and I met on August 26, 2022. At this meeting, Dr. Carvalho expressed dissatisfaction with the August 12 meeting. I told him that what he perceived as a threat was intended as constructive criticism.

11. Dr. Carvalho expressed that he “could not manage” Dr. Lowery. I made it clear that what was being asked of Dr. Carvalho was not to change Dr. Lowery’s opinions, withhold Dr. Lowery’s opinions on policy matters, change the Salem Center’s events or presentations, or anything of the like. At no point was there any directive or mandate for Dr. Carvalho to discipline or censure Dr. Lowery.

12. On September 1, 2022, Dr. Lowery began receiving a pay increase of approximately \$7,500, bringing his annual salary to \$257,702. And on September 19, 2022, I renewed his appointment as Associate Director of the Salem Center.

13. I met with Dr. Carvalho again on October 11, 2022 (not October 17, 2022, as Dr. Carvalho states in his declaration). This meeting involved a recommendation for a possible new department chair within the McCombs School. During this meeting, I did not say that Dr. Lowery was in danger of not being reappointed in the future to his position as Associate Director of the Salem Center. I had recently reappointed him to that position.

14. I have not censured, disciplined, or otherwise punished Dr. Lowery for his speech, and have no plans to do so.

15. I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 14, 2023



Ethan Burris
Senior Associate Dean for Academic Affairs